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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/010,059	11/08/2001	Jun-Rong Lin	PUSA210907	7843

7590 12/18/2003
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EXAMINER

COOLEY, CHARLES E

ART UNIT PAPER NUMBER

1723

DATE MAILED: 12/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/010,059

Applicant(s)

LIN, JUN-RONG

Examiner

Charles E. Cooley

Art Unit

1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 03 June 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: Information on Revised Amendment Practice

DETAILED ACTION

Remarks

1. Applicant filed a "Change of Correspondence Address" form on 03 JUN 2003 which was not processed until 5 NOV 2003. Consequently, the Final rejection mailed 14 AUG 2003 was sent to an improper address. The mailing address has been corrected in the database. Applicant claims the final office action was not received and filed a request to remail the final rejection on 30 OCT 2003. Accordingly, since Applicant timely filed a change of address yet the final rejection was not mailed to the proper address, the period for response to this final office action is restarted to begin with the mailing date of this final office action.
2. Applicant also filed an amendment on 7 NOV 2003 which amends claims 1, 3, 4, 5, and 6 and cancels claim 2. This amendment is improper and nonresponsive because it does not preserve the original numbering of claims (claims 3-6 should not be renumbered) and claim 1 contains amendatory subject matter which depends from claim 1. This amendment has not been entered. The final rejection therefore considers the amendment filed 3 JUN 2003 on the merits as set forth below.

Drawings

1. The drawing correction to Figure 1 filed 03 JUN 2003 is approved.

Specification

2. The abstract and amended title are acceptable.

3. The amendment filed 03 JUN 2003 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

a. The "cushioning effect" of the containing interior appears to involve new matter.

b. The metering mechanism divides the even mixed raw material equally appears to involve new matter.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 3, 4, 5, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Garms (US 1,198,209).

The patent to Garms (US 1,198,209) discloses a device including a housing 7 with feed means 12, 13; outlet/discharge means 15, 16; a plurality of gears/pinions 9 arranged axially and transversely in the housing forming the recited mechanisms; and suitable drive means (Col. 2, lines 56-59).

6. Claims 1, 3, 4, 5, and 6 are rejected under 35 U.S.C. § 102(b) as being anticipated by Mylo (US 3,266,430).

The patent to Mylo (US 3,266,430) discloses a device including a housing 12, 13 with feed means 20; outlet/discharge means 21; a plurality of gears/pinions (Fig. 2) arranged axially and transversely in the housing forming the recited mechanisms; and suitable drive means with a drive shaft 16 (Col. 1, line 72 through col. 2, line 1).

Response to Arguments

7. Applicant's arguments filed 03 JUN 2003 have been fully considered but they are not persuasive.

Claim 2 was cancelled from the application and added only to the marked-up copy of claim 1 which is not examined. Accordingly, the clean copy of claim 1 which is now subject to examination (and ultimately printed in the patent if the application is allowed) is essentially the same version of claim 1 which was examined in the first office action and subject to the rejections under 35 USC 102(b). Since Applicant did not argue the merits of the 102(b) rejections, said rejections are repeated. The clean copy and marked-up copies of the claim (although no longer required pursuant to rule changes under 37 CFR 1.121) should agree and the clean copy version is the version that is examined. Any response to this final office action must comply with the revised amendment practice under 37 CFR 1.121 (see <http://www.uspto.gov/web/patents/ifw/> and the attachments included with this office action) or the response must be held nonresponsive.

The examiner advises Applicant to remove all occurrences on the new matter from the application (or successfully argue that such subject matter is supported). To define over the prior art, Applicant may wish to further define the intermeshing/non-intermeshing arrangement of the gears and the particular alignment of the gears as seen in the Figures (e.g., note the vertical alignment of the six gears 42, 41, 45, 46, 47, and 48 and all vertically adjacent gears intermesh while transversely arranged gears 41 and 44 are non-intermeshing). However, these or other such limitations will likely constitute new issues after final rejection which would preclude entry of any amendment including such changes.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E. Cooley whose telephone number is (703) 308-0112. The examiner can normally be reached on Mon-Fri.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on (703) 308-0457. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



Charles E. Cooley
Primary Examiner
Art Unit 1723

CEC
November 26, 2003